Neutrals

1. Mr. V. N. Damodaran Nambiar
2. Mrs. A. N. Menon
3. Mr. Ismail Hajee Essa Sait
4. Mr. V. K. Kutty
5. Mr. P. K. Krishnan
6. Mr. E. Ikkanda Warriar

Point of order

Mr. K. M. Ibrahim *(Cranganur):* On a point of order Sir, I beg to bring to the kind notice of the Hon'ble President that a decision having been taken on cut motion No. 1, a discussion on cut motion No. 2, is barred by the Standing Orders, rules and the act itself; because only after the lapse of a particular duration of time can another vote of the House on the same subject be invited according to the provision in the rules.

Mr. President: The second cut motion is raised on different grounds. The objection is not raised to these persons being actually paid, but to their being paid without amending the law. I therefore rule out the point of order.

CUT MOTION No. 2

Evation of the principles underlying section 16 of the Government of Cochin Act

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I desire to move the following cut motion *"to reduce the allotment of Rs. 6,000 for the Minister for Rural Development by Re. 1". "The object is to censure the Hon'ble Minister for causing to evade the principles underlying section 16 of the Government of Cochin Act and the Cochin payment of Salaries and Allowances Act, without trying to amend the law or to get legislative sanction for the payment of certain members of his party. The Hon'ble Minister by thus influencing some of the hon'ble members to support his Ministry has lowered the dignity and the prestige of the House".*

I am very sorry that these two motions are not discussed together. Then much time would have been saved. It is the fundamental object of the Legislative Council to have free and independent criticism against the Government, and to have that free criticism we must have free members to criticise the Government according to their discretion. Members should not be obliged to the Government for any favour. Members should not receive any patronage from the Government. That is why section 16 of the Constitution Act has been enacted. It reads thus.—A person shall be disqualified for being chosen as, and for being a member of, the Legislative Council—

(*a*) if he holds any office of profit under His Highness or under any Municipal or Local Authority;

Provided that this shall not apply to a nominated member.

Explanation.—(1) The Minister appointed under this Act, or the Chairman or Vice-Chairman of a Municipal or Local Authority or the holder of any office in the Civil or Military Service under the Government, if the office is one which does not involve either of the following incidents, namely, that the incumbent—

(*i*) is a whole time servant of the Government, or

(*ii*) holds a pensionable office or is in pensionable service, within the meaning of the Cochin Service Regulations,

shall not be treated as a person holding an office of profit under His Highness under this section."

Then there is section 23 which reads as follows.—

"Members of the Legislative Council shall be entitled to receive such allowances as may from time to time be determined by the act of the Legislature and until provision in that respect is so made, as may be determined by rules under this Act."

Therefore, section 16 prohibits members receiving any money. But there is section 23 which enables the Government to legislate or enables the members to receive certain allowances. Now, the Minister's action in appointing members of this House without getting the law amended or without the previous sanction of this House is highly irregular. There is another aspect also. He has so manipulated the appointments that they may all support him. Now, a lady member has been appointed. I submit a more suitable lady cannot be found. Therefore the Hon'ble Minister appointed that lady. By that single fact alone it cannot be argued that it is a no-party affair. When the lady member is omitted, what is the balance? All unionist party members. Therefore, there are two charges, he has evaded the provisions of section 16 and then the Payment of Salaries and Allowances Act and he has so manipulated the appointments that he may get a stable Ministry. There has been a lot of argument on this point and I desire to place before the House only one aspect of the matter. Now, Sir, the Minister just now explained that the Maharaja desired that he should be appointed the National Leader and he took some

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time to consider whether he should accept it. Now, as the designation of the office indicates it is "National Leader," not the "Unionist Party Leader". Evidently he is only a party leader. Who gave him the title of "National Leader"? He may be entitled to be the National Leader, but he should consult the nation. Therefore, when the Maharaja suggested to him, "can you accept this office?" what he ought to have done was to consult the members of this House as to whether he should accept this office or not. What is the object of the National War Front? It is to achieve victory within the shortest time. That is the primary object. False propaganda should be counteracted. For that purpose he must get the support of all the members, and we will all agree with you. Why did not the Minister consult us? Therefore, my respectful submission to this House is that the Hon'ble Minister acted ultra vires of his powers in accepting the leadership of the nation Nation means the whole people of Cochin State. Unionist Party may represent half the population of Cochin. Then there is the other half. We also represent one half. Therefore, if he accepts that name "National Leader" he ought to have consulted all the members. The proper thing was he ought to have got all the members together and said "Look here, gentlemen, the Maharaja has asked me to accept the National Leadership of the War Front. Can I accept it? Have you any alternative proposal?" Then we may either agree or we may not agree. That is the democratic way of doing it. Instead of that, everything has been done behind our back. We knew nothing at all. From newspapers we read that so and so is appointed National Leader and so and so Divisional Organisers. It was a surprise to us as to who gave him the title "National Leader". This is thoroughly undemocratic.

The Minister on account of his ministerial position accepted this office. Tomorrow he may be unseated. Another National Leader will have to be appointed. That means we may have a change in the war effort. Therefore, had he consulted all of us we would have one National Leader who will be permanent. That also is a point which the Minister ought to have considered. Therefore, to have a true National Leader, the national leader should be selected with our consent. The procedure adopted by the Minister is highly irrregular and it is not excusible. Even in these hard times—1940 November—soon after the severe bombardment of London, the Prime Minister Mr. Churchill wanted to appoint Mr. Mac Donald as the High Commissioner for Canada and he brought a legislation for that purpose. He found that the law is an obstacle to the proposed appointment and therefore he brought a bill for the amendment of the law. I shall read one or two passages from the Debate in the House of Commons so that the House may understand how Mr. Churchill is bestowing all his attention on Parliamentary democracy, which though in our humble way we must follow. According to the House of Commons Disqualification Act, a member cannot be away for more than 6 months or so. If he absents himself he is disqualified. So, the House of Commons gave permission for appointing any member as High Commissioner in Canada. I shall read a few passages from one or two speeches delivered on that occasion. That will be useful for the Parliamentary democracy which we are fighting for.—

"Mr. Barnes (East Ham, South): In my view, nothing corrupts a modern civilisation more than patronage introduced into your political system, into your legal system, and into your national or statutory Church. This patronage of the Prime Minister already extends to the Church, to the law, and to the life of the House of Commons, as is reflected by the number of persons appointed to positions at the direction of the Prime Minister. We have a Government already composed of 90 persons, and other persons are extracted from the House of Commons and appointed to positions overseas and in the Armed Forces. The Prime Minister will recognise the importance of this matter, for he has attained his present position essentially because he followed a House of Commons tradition when he sat here as the right Hon'ble Member for Epping. I think he will recognise the danger to himself and his Administration, if the number of Members in this House who might be likely to level free criticism against the Government are steadily reduced by appointments.

The Prime Minister (Mr. Churchill) I have been assured that it would be possible to get out of what may be called the MacDonald difficulty in the following way: The High Commissionership in Canada would be left vacant and the Right Hon'ble Gentleman the Member for Ross and Cromarty would be sent to Canada on a special mission, and his mission would be to discharge all the functions which would normally fall to be discharged by the High Commissioner. I am not going to play such a game as that with the House of Commons. I am sure it is very much better in this matter for the Government to come frankly to the House, tell the House their difficulties and ask for the necessary assistance and relief." Therefore, Sir, I do not wish to add anything. But I think the House has fully understood that the Minister's action has been very irregular and in the mind of the public it will create a very bad impression. I press this motion.

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Mr. T. P. Poulose *(Kanayannur):* When cut motion No. 1 was discussed the propriety of appointing members of this House for the work of the National War Front has been explained by my friends on this side. The only additional point raised by the Hon'ble Member, Mr. Moothedan, is that the Hon'ble Minister has violated the spirit underlying the Payment of Salaries and Allowances Act and section 16 of the Government of Cochin Act. He has also stated that the procedure adopted in the House of Commons on one occasion to get over the difficulty for sending Mr. MacDonald to Canada was by getting the House of Commons Temporary Disqualification Bill passed and that the same procedure ought to have been adopted in this connection here also. The very fact that the Bill was passed by the House of Commons and the House of Commons allowed the Government to give remuneration to a member of the Parliament for work which was entrusted to him under special circumstances clearly shows that under extraordinary circumstances such procedure is not objectionable. If that principle is adopted, there is nothing wrong in paying remuneration or allowances to members of this House for special work which had to be entrusted to them under extraordinary circumstances.

Mr. A. V. Moothedan *(Chalakkudi):* The Point is you cannot do it behind the back of the Council.

Mr. T. P. Poulose *(Kanayannur):* So there is nothing wrong on principle. If the law says that such a thing cannot be done, then it will be necessary to approach the council to amend the law. Now let us see whether the Payment of Salaries and Allowances Act or section 16 of the Government of Cochin Act stands in the way of paying allowances to members for a work like this. If the law really stands in the way, certainly the procedure adopted by the House of Commons ought to be adopted here also. My friend says that for giving any allowance to any Hon'ble Member of this House for any work there should be an amendment of the Payment of Salaries and Allowances Act. My answer to Mr. Moothedan is contained in Mr. Salem's cut motion itself. Mr. Salem has rightly said that the work to which the member in question have been appointed is work unconnected with the Council. The Payment of Salaries and Allowances Act applies only to work within the Council and work connected with the Council, just as working in the Select Committees and other Council Committees. That Act does not apply to remuneration for work unconnected with the Council. There is therefore, no need to amend the Payment of Salaries and Allowances Act for paying allowance to Council members for National War Front Work. Mr. Moothedan says that section 16 of the Government of Cochin Act has been violated. My friend omitted to read the explanation to section 16 of the Act. Section 16 of the Act says that a person is disqualified to continue as a member of this House if he accepts an office of profit, under His Highness the Maharaja. The explanation to that section says that any part time and non-pensionable job is not an office of profit under that section. To say that the spirit of the section is just the opposite of what is expressly laid down in that section is very curious. When the section expressly says that part time and non-pensionable jobs are not offices of profit falling within section 16, how can anyone argue that even such jobs will fall within the spirit of section 16?

If on principle there is nothing wrong as conceded by my friend, and if the law is also not offended, then why should the law be changed? The law does not prevent the Government from paying these members or these members from acceptingt he allowances given them for their special work. If the law as it stands does not prevent them from doing that, what is the law which is to be amended and what is the amendment to be introduced? There is no amendment necessary. Mr. Moothedan said that under extraordinary circumstances this payment is not objectionable on principle. The law also does not stand in the way. Probably he says that the work of these members must be made full time. In fact the very character of the National War Front demands that it would be carried on by non-officials and if the work is made full time Government service, the very character of the National War Front will change. So this is all what could be done.

Rama Varmha Tampuran *(Secretary to Government):* Under the Government of Cochin Act, there is nothing irregular in the action. Those members do not get themselves disqualified by receiving the allowances. Here it is section 16 (1) that is applicable and that says a person shall be disqualified if he holds any office of profit under His Highness or under any municipal or local authority. This is only an honorarium and this cannot be construed by any stretch of imagination as coming under the definition "Holds any office of profit", and to obviate wherever there might be real distinctions and doubts and things like that an explanation is added to that section which says: "If any question arises whether any person holds an office of profit under this section, the decision of the Diwan shall be final." Therefore the framers of the constitution have been very careful in drafting this section because questions might arise whether an honorarium or allowance should be considered as an office of profit or whether any other

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allowances should be considered as an office of profit. Therefore they have made it explicit by way of explanation (2) that the decision of the Diwan shall be final. Therefore there is nothing irregular in the Diwan or the Government declaring that this is only an honorary allowance which would not come under section 16 (1). Then section 23 which the hon'ble member referred to has no relevancy at all to the subject. The only section that is material is section 16 (1) and according to it there is nothing wrong at all in the hon'ble members continuing as members of this House and receiving allowance. Government want to make that position clear.

Mr. A. V. Moothedan *(Chalakkudi)* : There is only one provision under the Government of Cochin Act. That is section 23. Under that provision "Members of the Legislative Council shall be entitled to receive such allowance as may from time to time be determined by Act of the Legislature and until provision in that respect is so made, as may be determined by rules under this Act." Therefore any allowance to be paid to members of the Council is to be determined by Act of legislature.

Rama Varmha Tampuran *(Secretary to Government)* : That is for work connected with the Council.

Mr. A. V. Moothedan *(Chalakkudi)* : For doing duty as a member not appointed by the Council but by the Government, on a regular monthly salary or allowance it has to be done only by an Act of the Legislature. After the Act has been passed, if the Minister wanted to pay anything he ought to have consulted the House. He is one elected by the Council and he ought to have been more careful than anybody else for observing the spirit of section 16. But the question is the Minister being responsible to this House, ought to have consulted us. Even for the payment of Rs. 4½ and 1½ first class fare you have consulted us and an Act of the Legislature has been passed under section 23 of the Act.

The House rose for lunch at 1 p.m. and reassembled at 2-30 p.m. with Mr. K. Ayyappan, the Deputy President in the Chair.

Mr. K. M. Ibrahim *(Cranganur)* : We hope that in the light of the Hon'ble Secretary's statement, the Hon'ble member will withdraw it. If he does not withdraw, some of us have to speak.

Mr.A. V. Moothedan *(Chalakkudi)* : I am not prepared to withdraw.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: മിസ്റ്റർ പ്രസിഡണ്ട്, ഇപ്പോൾ ബഹുമാനപ്പെട്ട നിയമസഭയുടെ ആലോചനയിലിരിക്കുന്ന ഈ ഉപക്ഷേപത്തിന്റെ ഉള്ളടക്കം അല്പം മനസ്സ മറ്റൊരു പ്രമേയംമൂലം നമ്മുടെ ആലോചനയിൽ വരികയും, അതിനെക്കുറിച്ചു വ്യക്തമായ ഒരു തീരുമാനം നാം ചെയ്യുകയും ഉണ്ടായല്ലോ. അതിനാൽ ഈയവസരത്തിൽ വീണ്ടും മറ്റൊരു രൂപത്തിൽ അതേവിഷയം നമ്മുടെ ആലോചനക്കു വെക്കുന്ന ഈ പ്രമേയത്തിനു യാതൊരു പ്രസക്തിയുമില്ലെന്നാണ് എന്റെ എളിയ അഭിപ്രായം. നിയമസഭാ സാമാജികന്മാക്കു ദേശീയസമരനിരയിൽ അണിനിരക്കുന്നതിനു ഗവൺമെണ്ടു ഓഫ് കൊച്ചിൻ ആക്ട് തടസ്ഥമാണെന്നാണൊ ഈ പ്രമേയത്തിന്റെ പ്രശ്നം. അതാണെങ്കിൽ അതിന്റെ നിയമപരമായ വശം ഇന്നതാണെന്നു ബഹുമാനപ്പെട്ട ഗവൺമെണ്ടു സിക്രട്ടറിയുടെ വിദഗ്ദ്ധാഭിപ്രായം അവതാരകൻ കേൾക്കയുണ്ടായില്ലേ? എന്നിട്ടും ഈ പാഴ്വേലയിൽനിന്നും വിരമിക്കുവാനുള്ള ഔദാര്യം ആ മാന്യദേഹത്തിനു ഇല്ലാതെപോയതു ഈ നിയമസഭയുടെ നിർഭാഗ്യമല്ലാതെ മറെന്തായിരിക്കാം. (ചിരി) അസൂയക്കും കഷണ്ടിക്കും മരുന്നില്ലെന്നു ഒരു ആപ്തവാക്യം പറയുന്നു. (ചിരി) നിയമത്തിന്റെ പേരിലും, കാൺസ്റ്റിറ്റ്യൂഷൻ ആക്ടിന്റെ പേരിലും ചില അഞ്ചാം കാളക്കാർ കാണിച്ചുകൂട്ടിയ കസർത്തുകൾ കണ്ടു രസിപ്പാനുള്ള അവസരം ഈ നിയമസഭക്കു കിട്ടിയതിൽ എനിക്കു സന്തോഷമാണുള്ളതു. (ചിരി) ചിലരുടെ ഫാസിസ്റ്റ് പ്രേമം ദേശീയസമരനിരയോടുള്ള ഒരു സാങ്കേതിക പ്രതിഷേധമായി ഇവിടെ നടനം ചെയ്യുന്നുവെന്നമാത്രമേ ഞാൻ കരുതുന്നുള്ളു. ക്രൌര്യവും ശുപീകരണവും വേണ്ടതുതന്നെയില്ലാത്തതും നമ്മെ ഇന്നു വലയം ചെയ്തിരിക്കുന്നതും ആയ സാമ്രാജ്യത്വത്തെ വിധ്വംസനം ചെയ്യ അതിന്റെ സ്ഥാനത്തിൽ കുടിലവും ബലിഷ്ഠവും ആയ ഒരു സാമ്രാജ്യത്വം—രാജ്യമീമാംസയിലെ ഭംഗിയുള്ള പദങ്ങളെക്കൊണ്ടു ചൂഷണത്തേയും മർദ്ദനത്തേയും ഹിംസയേയും ഒളിച്ചുവെക്കുന്ന ഒരു സാമ്രാജ്യത്വം—സ്ഥാപിച്ചാലേ തങ്ങളുടെ മുതലാളിത്താല്പര്യങ്ങൾ സംരക്ഷിതങ്ങളാകയുള്ളുവെന്നു വിചാരിക്കുന്ന ഒരു തരക്കാർ കൊച്ചിയിലെ ദേശീയസമരനിരയെ എതിർക്കുന്നതിൽ അത്ഭുതമില്ല. ഗവൺമെണ്ടു ഓഫ് കൊച്ചിൻ ആക്ടിന്റെ തണലിൽ നില്ക്കുന്നവെന്നു അഭിനയിക്കുന്ന അവർ വേദത്തെ പ്രമാണം പറയുന്ന പിശാചിനേയാണ് അനുസ്മരിപ്പിക്കുന്നതു. (ചിരി) കൊച്ചിയിലെ ദേശീയസമരനിര ഏല്പ്പെണ്ടിവന്നിട്ടുള്ള അനഹങ്ങളായ അടികൾക്കു പലിശയടക്കമുള്ള തിരിച്ചടികൾ ആ നിര നല്കുന്ന

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താണ്. ഈ നിയമസഭയിലെ അംഗങ്ങൾക്ക് പ്രതിമാസം പ്രതിഫലം കൊടുക്കണമെന്ന അനുശാസിക്കുന്നതും നിയമസഭ പാസ്സാക്കിയതുമായ ബില്ലിനെ എതിത്ത നമ്മുടെ ലോക പൌരൻ മിസ്റ്റർ മത്തായിയായിരുന്നു ഈ ഉപക്ഷേപങ്ങൾ അവതരിപ്പിച്ചിരുന്നതെങ്കിൽ ആ മനോഗതിയെ മനസ്സിലാക്കുവാൻ എനിക്കു കഴിയുമായിരുന്നു. ലോകപൌരന്മാർ വലിച്ചുവരുന്ന ഒരു മഹാ വിപത്തിനേയാണ് നമ്മുടെ ഈ കൊച്ചു കൊച്ചിരാജ്യം ഇപ്പോൾ നേരിടേണ്ടിവന്നിരിക്കുന്നത്. (ചിരി) ലോകത്തിന്റെ പൌരത്വസന്തതികളെ ഇങ്ങിനെ ഇടവിടാതെ പ്രസവിച്ചുകൊണ്ടിരിക്കുന്ന നമ്മുടെ നിയമസഭാ മാതാവിന്റെ ആലസ്യവും പരവശതയും എത്രയായിരിക്കുമെന്നാണ് ഞാൻ വ്യസനിക്കുന്നത്. (ദീഘമായ ചിരി) ഈ നിയമസഭയിലെ മെമ്പർമാർക്ക് മാസംതോറും ൪൦ ക. വീതം ശമ്പളം കൊടുക്കണമെന്ന് ഇവിടെ ഒരു ബിൽ അവതരിപ്പിച്ചു പാസ്സാക്കിച്ച മിസ്റ്റർ മൂത്തേടനും, ആ ബില്ലിന്റെ മഹാരാജാവ് തിരുമനസ്സിലെ തൃക്കൈവിളയാട്ടത്തിനുള്ള വിളംബരത്തിൽ അക്ഷമനായി ഒരു ബഡ്ഡറവപക്ഷേപം മൂലം അതിനെ പ്രതിഷേധിപ്പാൻ മുതിർന്ന നിരാശനായ ശ്രീമാൻ സേലം അവർകളും ഇന്നത്തെ രസാവഹങ്ങളായ രണ്ടു പ്രമേയങ്ങളുടെ പ്രയോക്താക്കൾ ആയി പ്പരിണമിച്ച തകിടം മറിച്ചിൽ "അനന്തമജ്ഞാതമവർണ്ണനീയം" (ചിരി). ഈ നിശിതായുധങ്ങൾ രണ്ടും ആയിരുന്നില്ലെങ്കിൽ മറിയുന്ന നമ്മുടെ തന്ത്രികകളിന്മേൽ എവിടെയെങ്കിലുമായിരുന്നു എശിയിരുന്നതെങ്കിൽ കുറച്ചെങ്കിലുമൊരു അനുദ്യോഗസ്ഥപ്രഭു ഇവിടെ ദർശിപ്പാനുള്ള അവസരം കൊച്ചീക്കാക്ക് കിട്ടുമായിരുന്നു. സ്വന്തംകായ്യം വകവെച്ചില്ലെങ്കിൽ ഉടനെ പാട്ടിയിൽനിന്നു പിരിഞ്ഞു രാജിവെക്കുന്നവരും വോട്ടിന്റെ എണ്ണത്തേക്കാൾ നിയമപ്രാവത്നംമൂലം ഈ നിയമസഭയിൽ കടന്നു കൂടിയിട്ടുള്ളവരും ഇതും ഇതിനപ്പുറവും ചെയ്യുന്നവിരുദ്ധന്മാരെന്നു ഞങ്ങൾക്കറിയാം. (ചിരി) ഈ രണ്ടു പ്രമേയകർത്താക്കളുടെയും വാദങ്ങളുടെ നട്ടെല്ല് എന്താണെന്നുള്ളതു ബഹുമാനപ്പെട്ട നിയമസഭ ആലോചിക്കണമെന്നു ഞാൻ വിനീതനായി അപേക്ഷിച്ചുകൊള്ളുന്നു. പണം എന്നുള്ള രീതിയിൽ ഈ നിയമസഭയിലെ പൊതുക്കായ്പ്രസക്തിയെന്ന വെണ്ണ വീണാൽ ഉടനെ അതു ഉരുകി നശിക്കുമെന്നും ആ നാശത്തെ തരണം ചെയ്വാൻ ദേശീയസമരനിരയെ തരിപ്പണമാക്കണമെന്നുമാണ് അവരുടെ വാദം. (കൂട്ടച്ചിരി) ഞാൻ ഇവിടത്തെ നിയമസഭാ സാമാജികന്മാരോടു വളരെ ആദരവോടുകൂടി ചോദിക്കുന്നു. എന്തു് ആദർശ നീതികരണത്തെ മൻനിറുത്തിയാണു ദിവസമൊന്നുക്ക ൪൯ ക. ബത്ത നാം വങ്ങിക്കുന്നതെന്നു്. ൪൯ ഉറുപ്പികയായാലും നാലായിരം ഉറുപ്പികയായാലും പ്രമാണത്തിന്നും സമ്മതിക്കും വല്ല വ്യത്യാസവുമുണ്ടോ? ഇവിടെ ദിവസം നാലര ഉറുപ്പിക വാങ്ങിക്കുവാൻ നമ്മുടെ പൊതുക്കായ്പ്രസക്തി സമ്മതിക്കുന്നുണ്ടെങ്കിൽ, കാഞ്ചനവൈരാഗികളായ നമ്മുടെ മനസ്സാക്ഷി അനുവദിക്കുന്നുണ്ടെങ്കിൽ, നമ്മുടെ നിയോജകമണ്ഡലത്തിലെ ജനങ്ങൾ അനുമതി നല്കീട്ടുണ്ടെങ്കിൽ സംഖ്യ ൫൦൦, ൬ ൫൦൦ ഉറുപ്പിക ആയി ഉയരുമ്പോഴേക്കു് ഈ അനുവാദവും സമ്മതിയും വിച്ഛേദിക്കപ്പെടുമെന്ന വാദത്തിന്റെ പ്രാബല്യത്തേയും ഔചിത്യത്തേയും കുറിച്ചു് എനിക്കു വളരെ സംശയമാണുള്ളതു്. നമ്മുടെ ബഹുമാനപ്പെട്ട മന്ത്രി മാസംപ്രതി ൫൦൦ ക. വാങ്ങിക്കുന്നതുകൊണ്ടു് അദ്ദേഹത്തിന്റെ പൊതുക്കായ്പ്രസക്തിക്കും ജനപ്രാതിനിധ്യത്തിന്നും വല്ല കുറവും വന്നേക്കുമെന്നു പറയുകയാണെങ്കിൽ അങ്ങിനെയുള്ള വാദത്തോടു എനിക്കു് ഒരു തരത്തിലും യോജിക്കുവാൻ നിവൃത്തിയില്ല.

മിസ്റ്റർ എ. ബി. സേലം: വാങ്ങിച്ചുകൂടായെന്നല്ല പറയുന്നതു്. കൊടുത്തുകൂടായെന്നാണ് പറയുന്നതു്.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: എന്നാൽ അതു കൊടുക്കുവാൻ എന്തിന്നാണ് സമ്മതിച്ചതു്?

മിസ്റ്റർ എ. ബി. സേലം: എല്ലാവരും പറഞ്ഞു കൊടുക്കണമെന്നു്.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: മിസ്റ്റർ സേലവും പറഞ്ഞില്ലേ അതു്? (ചിരി) ബഹുമാനപ്പെട്ട മെമ്പർ നിയമനിർമ്മാണം നിർവ്വഹിച്ചിട്ടാണോ ഇടപ്പാടം ഈ നാലര ഉറുപ്പിക വാങ്ങിക്കുന്നതെന്നു് ഞാൻ ചോദിക്കുന്നു; ഈ നാലര രൂപ നിങ്ങൾക്കു് എങ്ങിനെ കിട്ടി? എക്സിക്യൂട്ടീവിന്റെ പ്രവർത്തനംകൊണ്ടല്ലേ ഈ നാലര കിട്ടിയതു്? മറുപടി പറയണം, സർ, (ചിരി) ഈ നിയമസഭയുടെ പ്രഖ്യാപിത നയത്തിന്നു വിപരീതമല്ലാത്ത നിലയിൽ ലഭ്യമാകുന്ന ഏതു നിസ്സാരമായിട്ടുള്ള ഒരു സംഖ്യയാണെങ്കിലും കൂടി അതു വാങ്ങിക്കുവാനുള്ള പൊതുജനസമ്മതിയും നീതീകരണവും അവകാശവും എനിക്കുണ്ടു്. അതു് എന്റെ സദാചാരത്തേയും വിശ്വാസ്യതയേയും എങ്ങിനെ ബാധിക്കുമെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല, സർ.

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കൊച്ചി രാജ്യത്ത്—പയ്യന്നൂരിന്നും ചെല്ലാനത്തിന്നും മദ്ധ്യേ—മാത്രമാണ് ഈ ദേശീയസമരനിരപ്രസ്ഥാനം ഉണ്ടായിരുന്നതെങ്കിൽ അതു് അപൂർവ്വവും, അസാധാരണവും, മറ്റു രാജ്യങ്ങൾക്ക് പരിചയമില്ലാത്തതും നൂതനവുമായ ഒരു രഹസ്യായുധമെന്ന നിലയിൽ സംശയത്തോടും ഭയത്തോടുംകൂടി അതിനെ തീക്ഷ്ണമായി പരിശോധിക്കുവാൻ ന്യായമുണ്ടാകുമായിരുന്നു. പ്രത്യുത കൊച്ചിക്ക പുറത്തുള്ള നാഷ്ണൽ വാർഫ്രണ്ടു് നടത്തുന്നതു് ഇൻഡ്യൻ അസംബ്ലിയിലേയും സാംസ്ഥാനിക നിയമസഭകളിലേയും ചില പ്രമുഖരായ മെമ്പർമാരുടെ കൂടുള്ള തുപീകരണമാണെന്ന പത്രങ്ങളിൽ കണ്ടു; ദേശീയസമരനിര നമ്മുടെ അയൽസ്ഥലങ്ങളിലും നടത്തുന്ന അഖിലേകികളെക്കുറിച്ചു മിസ്റ്റർ സേലവും മിസ്റ്റർ മൂത്തേടനും എന്തു പറയുന്നു; അവിടെയുള്ള ദേശീയസമരനിര ഗവണ്മെന്റുകാരുടേയും, വലിയ വലിയ ഗവൺമെന്റുദ്യോഗസ്ഥന്മാരുടേയും നിയന്ത്രണാധികാരത്തിൽ നടത്തപ്പെടുന്നതാണല്ലോ. മദിരാശി യെപ്പോലെയുള്ള ചില പട്ടണങ്ങളിലേയും മലബാർപോലെയുള്ള ഡിസ്ട്രിക്ടുകളിലേയും സമരനിര പ്രചാരകന്മാക്ക് വ്യ ഠ ഠ-ം ന്യ ഠ ഠ-ം ങ ഠ ഠ-ം ഉറപ്പികയോളം വരുന്ന ശമ്പളം പ്രതിമാസം കൊടുത്തുവരുന്ന വാസ്തവം സാനിട്ടറി ഇൻസ്പെക്ടരുടേയും മറവം തസ്തികക്കാരോട് ഇവിടത്തെ ദേശക്കേമക്ക് കൊടുക്കുന്ന ഉന്നതമായ പ്രതിഫലത്തെ താരതമ്യംചെയ്യുന്നു അനുയായുക്കളുടെ സാഹസത്തെ തികച്ചും വെളിപ്പെടുത്തുന്നുണ്ടു്. നമ്മുടെ അയൽപക്കവുമായി താരതമ്യപ്പെടുത്തി നോക്കുന്നതായാൽ നമ്മുടെ ദേശീയസമരനിര കൊച്ചിയിലെ ൫ ല ക്ഷം ജനങ്ങളുടേയും മനോമത്തെ പൌരനായ ബഹുമാനപ്പെട്ട മന്ത്രിയുടെ കീഴിൽ നടത്തപ്പെടുന്നുവെന്നുള്ളതു് നമുക്കേവക്കും അഭിമാനകരമായിട്ടുള്ളതാണു്. എന്നാൽ അതിലെ പ്രചാരകന്മാക്ക് മതിയായ അലവൻസ്സു് കൊടുക്കുന്ന കാര്യത്തിൽ ഇത്ര വലിയ പിശുക്കുണ്ടാകുന്നതു് എന്തുകൊണ്ടായിരിക്കാം. കൊച്ചിയിലെ പൌരാവലിയെ വിശ്വസിപ്പെടുത്തുന്ന ഗൌരവപ്രശ്നങ്ങളിൽ ഒന്നിനേയാണോ മിസ്റ്റർ മൂത്തേടനും മിസ്റ്റർ സേലവും ഇപ്പോൾ പിടിച്ചുകുടിയിരിക്കുന്നതു്? ഈ നിയമസഭയിലുള്ള മെമ്പർമാക്ക് ഈ ശുപാർശകരണത്തിൽ മുൻഗണന കൊടുത്തു്, ഈ നിയമസഭക്കു് പുറത്തുണ്ടായേക്കാവുന്ന വ്യത്യസ്ഥ താല്പര്യങ്ങളെ തെറ്റിച്ചുവിട്ടിരിക്കുന്നുവെന്നും അതു ശരിയായില്ലെന്നും സമർത്ഥിക്കുന്ന വാദത്തിന്നു് ഞങ്ങളുടെ നേതാവായ ബഹുമാനപ്പെട്ട മന്ത്രി ശ്രീമാൻ ടി. കെ. നായർ അവർകൾ ശരിയായ വിധത്തിൽ ആവശ്യകനകമായ മറുപടി പറഞ്ഞുകഴിഞ്ഞു. കൊച്ചിരാജ്യത്തിലെ ജനങ്ങളുടെ അനിഷേധ്യ നേതാക്കന്മാർ ആരാണെന്നു ചോദിക്കുന്നപക്ഷം അതു് ഈ നിയമസഭയിലെ മെമ്പർമാരാണെന്നേ തല്ക്കാലം പറയുവാൻ സാധിക്കയുള്ളു. ഓരോ നിയോജകമണ്ഡലത്തിലേയും പ്രതിപക്ഷം വോട്ടർമാരുടെ നേതാവാണു് ഇവിടെയിരിക്കുന്ന ഓരോ മെമ്പർമാരെന്നും തല്ക്കാലം സമ്മതിക്കണം. കൊച്ചിയിലെ മികച്ച ഉപരിപ്ലവബുദ്ധികർക്കുപോലും വാസ്തവം സമ്മതിക്കാതെയിരിക്കുവാൻ നിവൃത്തിയില്ല. ഇങ്ങിനെയുള്ള നേതാക്കന്മാരടങ്ങിയ ഒരു ദേശീയസമരനിരയല്ലാതെ പിന്നെ ഏതു തരത്തിലുള്ള നേതാക്കന്മാരോടുകൂടിയ ഒരു സമരനിരയാണു നമുക്കു വേണ്ടതെന്നു് ആരും പറഞ്ഞുകേട്ടില്ല. കൊച്ചിക്ക പുറമെ നിയമസഭകൊണ്ടു നിതീതമായ നേതൃത്വം ഉണ്ടായിരിക്കാം; എന്നാൽ, കൊച്ചിയിലെ സ്ഥിതിഗതികൾ അങ്ങിനെയല്ല. ദേശമംഗലം നയുതിരിപ്പാടിനെപ്പോലുള്ള ദേഹങ്ങൾ ഈ സംഘടനയിൽപെട്ടിരുന്നുകൂടാ. ഈ സഭയിലെ ഒരു ബഹുമാന്യ സാമാജികൻ, ലീഗൽ റിമെമ്പ്രൻസറുടേയും അസിസ്റ്റാണ്ടു് സർജന്റേയും, മറ്റു ചില ഉദ്യോഗസ്ഥന്മാരുടേയും ശമ്പളത്തേയും സേവനത്തേയും നാഷ്ണൽ വാർഫ്രണ്ടുമായി താരതമ്യപ്പെടുത്തി ഇവിടെ പറയുകയുണ്ടായി. നിയമസഭാ മെമ്പർമാക്ക് എല്ലാ പരിഷ്കൃത നിയമസഭകളിലുമുള്ളപോലെ പ്രതിഫലം നൽകണമെന്നു് ബില്ലിൽ ഇവിടെ പാസ്സാകുന്ന അവസരത്തിലും അദ്ദേഹത്തിന്റെ രസാവഹമായ ഈ അളവുകോലിന്റെ താഡനം ഈ നിയമസഭ സഹിക്കേണ്ടിവന്നിട്ടുണ്ടു്. ആരും പറയാത്ത എന്തെങ്കിലും പുതിയതു പറയണമെന്ന അദ്ദേഹത്തിന്റെ പ്രസംഗപ്രസ്ഥാനം വായുവിൽ മാത്രം ലയിക്കുവാൻ കൊള്ളുന്ന പല വികൃതാശയങ്ങളുടേയും പിതൃത്വം വഹിച്ചിട്ടുള്ളതിനെ ഞാൻ സ്മരിക്കുന്നു. വാദമുഖങ്ങൾ എത്രതന്നെ പൊള്ളത്തരമയാണെങ്കിലും നന്നായി പ്രസംഗിച്ചു എന്ന ഒരു ബോധ്യം വരുത്തണമെന്നു മാത്രമേ അദ്ദേഹത്തിനു നിർബ്ബന്ധമുള്ളുവെന്നു തോന്നുന്നു. ദേശീയസമരനിര നിർവ്വഹിച്ചിട്ടുള്ള കാര്യപരിപാടി ലഘൂപ്പെടുത്തിക്കാണിക്കുന്നതു കൊടിയ നന്ദികേടായിരിക്കും. എന്റെ ഓർമ്മയിൽ കഷ്ടകരമായ ഒഴിപ്രസ്ഥാനം ഈ ജാത്യാസ്ഥലമായി നമ്മുടെ നാട്ടിൽ പ്രവൃത്തിച്ചിരുന്നു. ആ സുവർണ്ണകാലമൊഴിച്ചു മറ്റൊരവസരത്തും ദേശീയസമരനിര ആവിഷ്കരിച്ചിട്ടുള്ള ബഹുജനോത്സാഹം സംഘടിക്കയുണ്ടായിട്ടില്ല. കൊടുങ്ങല്ലൂർ, മാള, ഞാറക്കൽ മുതലായ ഉൾപ്രദേശങ്ങളിൽപോലും ദേശീയസമരനിരാപ്രചരണയോഗങ്ങളിൽ തടിച്ചുകൂടിയ ബഹുസഹസ്രം മനുഷ്യമുഖങ്ങളുടെ മധുരസ്മര

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ണ ഇതാ എന്റെ മനസ്സിൽകൂടി പാഞ്ഞുപോകുന്നു. കൊച്ചിയിലെ യൂണിയണിസ്റ്റ് ഗവണ്മെൻറ് തങ്ങളുടെ ദേശീയസമരനിരയെ സൂസ്പിക്കുന്നതിനുമുമ്പു ഡിപ്പാർട്ട്മെൻറലായി ഇത്തരം പ്രചരണയോഗങ്ങൾ കൂടുവാൻ ചെയ്ത ശ്രമങ്ങളുടെ ഫലവും ദേശീയസമരനിരായോഗങ്ങളും തമ്മിൽ ഉള്ള വ്യത്യാസം കണ്ണുള്ളവർക്കു കാണുവാൻ കഴിയും. എന്റെ മുങ്ങിയ രാഷ്ട്രീയജീവിതത്തിന്നിടയിൽ ചില പൊതുയോഗങ്ങളിൽ പ്രസംഗിക്കുവാൻ എനിക്കു അവസരം കിട്ടിയിട്ടുണ്ട്. ആ മീറ്റിങ്ങിന്നോരോന്നിനും ക്ഷണിപ്പാൻ ഒരു ഡെപ്യൂട്ടേഷൻ വരികയായി. അവർ കുറച്ചു കഷണിച്ചാലേ അനുവാദംതന്നെ കിട്ടുകയുള്ളൂ. മീറ്റിങ്ങിനുമുമ്പു പല അനുസ്മരണക്കത്തുകളും വരികയായി. മീറ്റിങ്ങിനു പുറപ്പെടാൻ മറ്റൊരു നിവേദകസംഘം മേത്തരം വാഹനവുമായി എത്തുകയായി. മരണ്ട മനസ്സില്ലാ മനസ്സോടെ ഭാവത്തിൽ പ്രാസംഗികൻ പുറപ്പെടുകയായി (ചിരി) അദ്ധ്യക്ഷസ്ഥാനമാണെങ്കിൽ പിന്നത്തെ 'പവർ' പറയാനുണ്ടോ? (ദീർഘമായ ചിരി) പുറപ്പെട്ട മടങ്ങിയെത്തുന്നവരെയുള്ള ടൂറിന്റെ അന്തസ്സും ചിലവുകളും എന്തൊക്കെയെന്നും എങ്ങിനെയൊക്കെയെന്നും വിവരിക്കുവാനുണ്ടോ? (ചിരി) ഇങ്ങിനെ ആഭ്യന്തരത്തിൽ അരങ്ങത്തു കയറി നടനംചെയ്യുന്ന സ്ഥാനമെവിടെ; ഇന്നത്തെ ഞങ്ങളുടെ അധമസ്ഥാനം എവിടെ? നോട്ടീസ്സു വിതരണംചെയ്യുന്ന യോഗത്തിന്റെ അടിച്ചുതളി വേല മുതൽ യോഗത്തിൽ പ്രസംഗംചെയ്യുന്ന ഗൌരവ ജോലിവരെ ഞങ്ങളെടുക്കണം. നോട്ടീസ്സുകൾ വിതരണംചെയ്വാൻ എല്പിച്ച ചിലരുടെ കൃത്യവിലോപം ഒരു തവണ എന്റെ ഓസ്റ്റിയിൽ വന്നു. അതിനുശേഷം മൂന്നു നാലു യോഗങ്ങൾക്കു ഞാൻ തന്നെ കാൽനടയായി നടന്നും കാറിൽ ഓടിയും സ്വന്തം കൈകളാൽ നോട്ടീസ്സുകൾ വിതരണംചെയ്തുണ്ടായി. ഈ അവിശ്വാസബാധ ഇപ്പോഴും എന്നെ നല്ലവണ്ണം വിട്ടിട്ടുണ്ടോ എന്നു സംശയിക്കുന്നു. (ചിരി) നോട്ടീസ്സു വിതരണത്തിനു ശേഷമുള്ള ഒരു ഡ്യൂട്ടിയാണു സ്ഥലത്തെ പ്രമാണികളെ കണ്ടു ക്ഷണിക്കൽ; അദ്ധ്യക്ഷനെ ക്ഷണിക്കൽ; സദസ്യരെ ക്ഷണിക്കൽ; വിവിധ താല്പര്യങ്ങളെ ക്ഷണിക്കൽ (ചിരി) ഒരേ അവസരത്തിൽ അതിഥിയും ആതിഥേയനും ആകുന്ന ഒരുദ്യോഗമാണു ഞങ്ങൾക്കുള്ളതു". (ചിരി) എനിക്കു കൊച്ചി രാജ്യത്തിലെ രാഷ്ട്രീയ രംഗത്തിൽ ശരിയായ ഒരു സ്ഥാനമുണ്ടെന്നു ആത്മാർത്ഥമായി വിശ്വസിക്കുന്നു ചിലരുണ്ടു". ഈ ദേശീയസമരനിരക്കു ഒരു ഔദ്യോഗിക വില കല്പിക്കുന്നപക്ഷം ഞാൻ എനിക്കു വന്നു ചേർന്നിട്ടുള്ള അധഃപതനത്തിൽ ലജ്ജിക്കുന്നു. ദേശീയസമരനിരയുടെ പിറവിക്കു മുമ്പും പ്ലാറ്റഫോറങ്ങളിൽ ഞാൻ പ്രകാശിപ്പിക്കാവുള്ള ആദർശങ്ങളിൽ നിന്നും ആശയങ്ങളിൽ നിന്നും കായ്മായ എന്തെങ്കിലും ഒരു വ്യതിയാനം ഇപ്പോൾ വരുത്തിയിട്ടുണ്ടെന്നു ഏതെങ്കിലും ഒരു വിമർശകൻ തെളിയിക്കുന്നപക്ഷം ആ നിമിഷം ഈ സ്ഥാനം ഞാൻ രാജിവെച്ചുകൊള്ളാം. ബഹുമാനപ്പെട്ട നിയമസഭ ഈ ഉപക്ഷേപം പാസ്സാക്കുന്നപക്ഷം ആ മിനിട്ടിൽ എന്റെ രാജിക്കത്തും പുറപ്പെടുന്നതാണു". അങ്ങനെയാകാളക്കാരെ സൂക്ഷിപ്പാനപേക്ഷിച്ചുകൊണ്ടു ഉപസംഹരിച്ചുകൊള്ളുന്നു.

Mr. A. B. Salem *(Mattancheri)*: I owe a word of explanation to my friend the Hon'ble Member for Chalakkudi for not allowing the amalgamation of the two cut motions. The two cut motions are entirely different. One is regarding the policy and the part that the Minister took in shaping that policy of the Government, the other is directly in point under the Act. I was criticising only the policy. But now, here, it is a question of disqualification. I claim to have studied the disqualification question a little bit. Sir, under the disqualification section, section 16 of the Act, you will notice that the word used in part (1) is "profit". The words "salary" and "allowances" are omitted. The word "profit" would cover both salary, allowances or any other payments. The word "profit" means something that you get where you were not getting anything, or something which you get in addition where you were getting something. The framers of this legislation were careful enough in chosing the words. Let us see what the Act says. "A person shall be disqualified for being chosen as, or for being a member of, the Legislative Council—if he holds any office of profit under His Highness or under any Municipal or Local authority." The minute a member of this House accepts any office which carries with it any profit from the funds of the public treasury either under His Highness' regular Government or under a Municipal or Local authority, he forfeits his legal right to sit in this House and gets disqualified. I have absolutely no doubt in my mind to succeed in a case, if the matter is placed before the judiciary in the country to interpret the words "Office of profit" and perhaps this will give an occasion to any member of this Council or any voter outside to have a test case. Therefore it is a question of disqualification that has arisen. There is no moral turpitude in your accepting the money. I have not accused you of that. I am sorry you did not stipulated for more. Legislative Council members should not have accepted such petty amounts. You

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should have asked for Rs. 600 or 700 or Rs. 900. I would have appreciated you if you did so. But here for a paltry sum you are getting a disqualification. That is my case.

Mr. T. P. Poulose *(Kanayannur):* What do you say with regard to the explanation?

Mr. A. B. Salem *(Mattancheri):* If you would kindly look into the case between the humble speaker and Mr. Kannu Pillai who was the Chairman of the Municipality and who was elected to be a member of this House at the previous elections and who was unseated, you would see how the Judicial body of Commissioners have commented in their report even upon the Chairman of a Municipality standing in his own Municipality, as a candidate for membership. Parliamentary decisions expressly say that where there is an authority to be exercised, the man exercising the authority should not stand within the territory of his jurisdiction and if he does so, he will be disqualified. There have been Indian cases in which Municipal Chairman have taken a part in supporting a candidate who is himself not a Municipal Councillor or Chairman and who has been disqualified because of the support of the Municipal Chairman. There are very good recommendations made by the Commissioners. I am sorry to state it on the floor of this House that these reports are not read fully to get clear ideas of these disqualification questions. There is no question whether this is a place of profit or not. That is why I asked the Secretary to Government the question whether any question arose for the decision of the Diwan and he answered "no" I am satisfied. There was no question that this is a matter of profit. If it is a matter of profit, the hon'ble members have disqualified themselves for sitting in this House.

Now, Sir, they cannot even defend themselves because these are made political appointments placed under "38.—Miscellaneous" and classified as political appointments over which this Council cannot pass a vote and send them out. Otherwise we would have refused to give you the salary and would have compelled you to quit from office. But here the question is if that salary became votable, and we withheld our votes what would you have done? You would restore it probably. But it has been made non-votable. Therefore it has been made a non-votable *profit* to you and you come clearly under this disqualification. Otherwise we might take steps to see what the law is.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Please, don't threaten us. We are not Kannu Pillas.

Mr. A. B. Salem *(Mattancheri):* You are entitled to receive it so long as you get it. It reminds me of a case of an undertaker who has been going about in the streets and saying "in a healthy country in a good season nobody wants to die". I asked him "how are you doing." Similarly Sir, one is apt to think that when you pay for national war purpose and propaganda, the people who receive the remuneration, will pray to God to prolong the war, so that they may continue to get what they are given. That is my case.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* That is why you were not there.

Mr. A. B. Salem *(Mattancheri):* We have conducted 50 meetings. You have not yet conducted the same number. Let us see what the example of our present Diwan is, in these matters. When the Diwan wanted the Anamalai road to be opened, what did he do? The matter was not sanctioned behind the back of this House. That is why I say Englishmen are always democrats. He brought a token motion to ascertain the wishes of this House to allot a substantial sum for that purpose. That should have been the procedure that should have been adopted by the Hon'ble Minister. He could have tabled a token motion here—National War Front, we want to encourage. We find that members of this House are the most competent persons as they are elected by the people. People will have respect for them. Let us talk it out in open Council. Then there can be no colour of favouritism coming into the question and we would have supported greater payments to you than the paltry sums of Rs. 100 and Rs. 75. That is the position. Now, you go by the backdoor methods of an old beauracracy taking shelter in mere words substituting one word for another word to get over the difficulty and land yourself in the pond. You have landed yourself in a pond. Therefore, I cannot but support this proposition. The principles underlying section 16 and the imperative provisions of section 16 (1) stand flagrantly violated by the Government of His Highness and not only the Minister is to take the responsibility, but also the reserved half of the Government which has charge of the treasury must take the fullest responsibility for violating the provisions of the Act. There is no doubt of the violation that has been done.

My learned friend from Cranganur was telling of the Madras example. The legislative Council itself is not functioning there and no member of the Legislative Council has been appointed and what is the use of telling that.

Mr. K. M. Ibrahim *(Cranganur):* The Hon'ble Member is murdering facts.

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Mr. A. B. Salem *(Mattancheri)*: I murder the facts and you murder the treasury of the country. That is the difficulty and that by a responsible Minister consenting to the murder. The public at large will decide whether you are right or we are right.

I am glad to say in self-praise that our Minister when he was seated there—throughout censure motions,—you were not able to trace a single charge like that, although you framed a number of charges. All those have now gone to the wind. But such an example as these acts you were not able to get throughout his career when our party was in power. Immediately you get the power we have the picture of how you use words to get over legal provisions! The other thing is, the Hon'ble Mover of this motion referred to the influencing of some of the Hon'ble Members to support the ministry and lowering the dignity and prestige of the House. Now Sir, what is influence in this world? Influence by love or influence by money. These are the only two influences. Out of consideration of love to a party which brings a recommendation one gets something. What is the next influence in this world? Money. Therefore, the Hon'ble Mover is quite right. Money payments are always held to be an influence. I am glad he chose the word "influence". We do not say that the Minister was corrupt. We do not allege any bad motive to him, may be, out of ignorance, out of not knowing all the implications from all sides, he may not know what the effect of these things are. Let us take the example of the Minister, and that of the recipients. The Minister was offered Rs. 100 more in addition to the allowance that this House has sanctioned him. He said, "I don't want it". I shall do this propaganda. I shall be the party leader. I shall do everything His Highness has been pleased to entrust to my care." When it came to the recipients, they did not follow the Minister. They at once said "give, give us something more." Paltry sums must be noticed, little things should be nipped in the bud, so that such influence shall not find a place in this land. Such things should be stamped out and down with a heavy feet and wiped out from the politics of the State, at least from the politics of this House. Therefore, it is that I have great pleasure in supporting the motion which is a motion not only condemning the Minister, but it condemns in unmistakable terms the action of the Government as a whole in violating section 16 of the Government of Cochin Act.

*Mr. M. Sivarama Menon *(Advocate-General)*: With reference to this motion before the House, I am only concerned with the question as to whether the existing law is in any way offended by the appointment of these members in the way spoken of by some of the Hon'ble Members of this House. As has been pointed out, under section 16 of the Government of Cochin Act, this cannot be considered as an office of profit. It is not a full time employment and it is covered by the explanation. Section 23 has absolutely no applicability to the facts of this case, because it relates to allowances that are given for work inside this House or for work as members of the Legislative Council. Now the position will certainly be if once for all this work is entrusted to members only and solely in their capacity as members of the Legislative Council in which case under section 23 it can be argued that since it is only by the act of the Legislature that any remuneration or allowance can be granted to a member of this House, and without such legislation nothing can be done. That point is not at all considered. It is, as I said before, a case where this work is entirely unconnected with the legitimate share of an elected member of this House, and it is on that basis that Government have sanctioned the proposal and it should not be supposed for a moment that Government have not kept in view the position that is contemplated under section 16 of the Government of Cochin Act. The final authority to decide as to whether a particular work falls within the ambit of the section or not lies with the Diwan and the Diwan has exercised his discretion in thinking that it does not come under that section.

Dr. A. R. Menon *(Trichur-North)*: Do you mean to say that there was any reference to the Diwan for a decision in that matter? You said that the final decision rests with the Diwan. Was there any occasion to make a reference to the Diwan?

Mr. M. Sivarama Menon *(Advocate-General)*: In the pointed form in which it has been put on the floor of this House, it has not been considered by the Diwan. Therefore, that is a matter which the Diwan will be considering the point of view put forward today. In the specific form it has not been considered by the Diwan. In certain other form it has been considered. When the appointments were made, it was not considered that the work in connection with the National War Front would fall under section 16, and it has never been thought that this will in any way offend either against section 16 or section 23. Upon the points made on the floor of this House, the Diwan will certainly consider, and we must expect that he will take a right decision. As it stands we cannot say that our law is on a par with the law prevailing in India. The Hon'ble Member for Chalakkudi read out the Parliamentary speech of one hon'ble member there to show that Mr. Macdonald to be appointed to an office in

*Speech not corrected by the Hon'ble Member.

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Canada the special sanction of the House of Commons had to be taken. Therefore, it is a case where a particular period of lapse in the House will disqualify a member. There is the general principle that if in a democratic body any person is given a payment or remuneration by a party in power whether that will not tend to obviate the re-election. They are wide principles of policy. Our law as it stands at present, the question is whether this can be considered to be an officer of profit and I concede that in the form in which it has been raised today it has not been considered by the Diwan. The legislature has given power to the Diwan to consider. It is from a totally different angle of vision that this question was considered, with regard to the honorarium that has been given to some of the Hon'ble Members. But in connection with certain other matters that question has been considered and though various arguments have been put forward, in support of either proposition, the Diwan had no occasion to consider it in the form in which it was put today.

Dr. A. R. Menon *(Trichur-North):* Now you have realised that there is something in what we say.

Rama Varmha Tampuran *(Secretary to Government):* When this file was dealt with this point, namely whether by this action, the members will be disqualified the Government never thought at all that such an interpretation would be put by any one, nor will there be any need for the Diwan to make a specific declaration under section 16 (1). Only when there is room for a genuine doubt can the Diwan be asked to exercise that discretion. Therefore, when the file was dealt with, it was not anticipated at all that there is even the slightest room for doubt because the word used is "office of profit". As a matter of fact Government thought that by no stretch of imagination the payment of this honorary allowance could be taken to come under "office of profit". Therefore there was no occasion to make a declaration. Only today at this moment has this question been raised. Now only it is time for the Diwan to make a declaration. When a question is raised like this Government have to consider it.

Dr. A. R. Menon *(Trichur-North):* Now are you so certain that you have not referred this matter to the Diwan?

Rama Varmha Tampuran *(Secretary to Government):* We are absolutely certain.

Mr. C. R. Iyyunni *(Trichur-South):* The member for law stated that this question was not adverted to in the specific form in which it was put today.

Rama Varmha Tampuran *(Secretary to Government):* Only if there is any room for doubt Government can expect to move the Diwan to make a declaration. In every order, Government cannot be expected to move the Diwan to make a declaration under section 16 (1). Only in case of genuine doubt, could the Diwan be moved. Only now it is known that there is room for doubt. Now the point has been raised and since some of the hon'ble members think that it will come under section 16, naturally the Diwan will make a note of it and decide it one way or the other.

Mr. A. B. Salem *(Mattanc heri):* I would suggest that it would be safe for the Government if they would place the matter officially before the judiciary and get a pronouncement. The trend in which the Government is going to decide this question we can more or less understand from the view now expressed by the Secretary to Government and the supporter of the ministerial party. The trend of the Government decision is even now on the floor of this House. Therefore I would respectfully ask the Government to place the point of law before the High Court and if Government are not prepared, some of us are prepared to take it up; and as such a question might come for consideration in the High Court the Diwan should not take responsibility to decide it now and there is provision in the Government of Cochin Act for Government to refer any point to the High Court. I respectfully submit that the proper courses for Government will be to take advantage of that section and refer the matter for the decision of the High Court.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* If the Government is the final authority, why refer it to the High Court.

Dr. A. R. Menon *(Trichur-North):* But the Diwan is not expected to be a lawyer. The Diwan may not understand the implications contained in this. Therefore we suggest that the Diwan may ask for the help of the judiciary to come to a decision. That is the point.

Mr. K. M. Ibrahim *(Cranganur):* There is the Advocate-General.

Mr. M. Sivarama Menon *(Advocate-General):* Apart from any question that may be raised I can assure the Hon'ble Members of this House that if any point of law is referred to me in my capacity as the Law Member apart from any consideration, I will consider that point of law and that point of law alone. But when a statutory power is given to the Diwan to be the final authority in a matter of this nature, to request him to refer the matter to the High Court is not proper. He can do that of his own motion. If he is not satisfied with the opinion given by the

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advisers then alone would he exercise that discretion. Therefore in such a matter I do not think that you should press the matter in such a way as to compel the Diwan to make a reference to the High Court.

Dr. A. R. Menon *(Trichur-North):* It was only a humble suggestion, and in the light of the assurance given by the Advocate-General we are quite satisfied that you will give the proper advice. I take you also as a judiciary.

Mr. A. B. Salem *(Mattancheri):* Why I am supporting the motion is, because the Government came to a decision nevertheless it was found that it could not be upheld. These disqualification questions are such, with so many intricacies that Government in any view was unable to come to a decision. The previous Diwan was a lawyer and the Secretary to Government was a lawyer. Nevertheless they completely went wrong. There was no disqualification in their opinion in the 1st Mattancheri Election case. Nevertheless the member was unseated and I am in the seat now. When difference of opinion on a vital matter of principle is involved it is best to get the opinion of the judiciary—the pronouncement of a body whose only existence is for such interpretation.

Deputy President: You have sufficiently expressed your views.

Mr. K. M. Ibrahim *(Cranganur):* In as much as Mr. Salem has made his third speech I may also be allowed to put in a word. Now his contention will not hold water, if a moment's thought is bestowed upon it. His statement comes to a censure upon the whole Government machinery. His statement comes to the position that he does not rely on the legal acumen of the Diwan an I. C. S. officer or the Secretary to Government who is a Barrister-at-law or the Government Advocate who is the accredited official interpretor of law. Mr. Salem's infatenation seems to be in the word 'court'. If the Diwan with his I. C. S. equipment and the large number of his advisors, well-versed in law cannot impress Mr. Salem, I wonder what will. This black pessimism is a veritable censure upon the Government.

Mr. A. V. Moothedan *(Chalakkudi):* The point I raised in this cut motion is that there has been a clear evasion of the principles underlying section 16. I was very cautious when I used those words because I had my own doubt in my mind whether it was a violation or evasion. I said it was an evasion of principles. Mr. Salem and some other members say that it is a violation and I have got a reasonable doubt on that and the Diwan may decide according to the Constitution Act. Regarding the charge of evasion there is no answer No Hon'ble Member has raised any point against that. I listened Mr. Poulose, the Member for Mulanthuruthi has answered that there is no violation of section 16. May be or may not be, but he has not answered my point that there is evasion of principles. That point no member has answered. The charge is there. If the question of office of profit is conceded, the other question of full time office has to be considered. Mr. Devassy said that he held 60 meetings in a month.

Mr. M. K. Devassy *(Adur):* I said thirty meetings.

Mr. A. V. Moothedan *(Chalakkudi):* For 30 meetings at the rate of 2 hours a meeting it is 60 hours. Then two hours for going to the place of meeting. That is another 60 hours. It requires time for preparation of speeches and organisation. That requires 2 hours each. So that, they have to do 180 hours work a month.

Mr. T. P. Poulose *(Kanayannur):* They are doing more work than what is expected of them.

Mr. A. V. Moothedan *(Chalakkudi):* That means on an average 6 hours a day. It is not a part-time office. Consider the case of professors of a college. They are lecturing. They have got 10 hours work a week and 40 hours a month, and it is full time office. There is some similarity between professors and these officers, as regards work. If that can be called full-time office, why cannot this be called full-time office? Therefore it is clearly an evasion of principle and that question has not been answered. I therefore press that the motion may be put to vote.

The question put to vote and lost.

Mr. C. R. Iyyunni *(Trichur-South):* Poll, Sir.

Ayes

1. Mr. C. R. Iyyunni
2. Mr. A. B. Salem
3. Mr. P. Govinda Menon
4. Mr. Poptlal Goverdhan Lalan
5. Mr. P. K. Madhava Menon
6. Mr. K. Kochukunhan Kaimal
7. Dr. A. R. Menon
8. Mr. A. V. Moothedan

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7. Mr. V. K. Bhaskara Menon
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9. Mr. P. Achyuta Menon
10. Mr. T. P. Poulose
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21. Mr. C. K. S. Moni
22. Mr. V. N. Damodaran Nambiar
23. Mr. P. V. Raphael
24. Rama Varmha Tampuran
25. Mr. A. Madhava Prabhu
26. Mr. C. J. Mathew
27. Mr. T. K. Nayar
28. Mr. M. Raman Menon
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30. Mr. M. Sivarama Menon
32. Mr. V. K. Aravindaksha Menon
32. Mr. K. Karunakaran Nayar
33. Rao Sahib I. N. Menon
34. Khan Sahib Y. Mohammad Roshan Sahib

Deputy President: 34 against 8. The motion is therefore lost.

Neutrals

1. Mr. A. Eachara Menon
2. Mr. N. Govinda Pai
3. Mr. S. S. Koder
4. Mr. V. K. Kutty
5. Mr. P. K. Krishnan

CUT MOTION No. 3

Working of the Government of Cochin Act, XX of 1113

Mr. A. B. Salem *(Mattancheri):* I rise to move "*the reduction of the allotment of Rs. 6,000 for the Minister's salary by Re. 1 and it is to call attention to the unsatisfactory way in which Government is working the Government of Cochin Act, XX of 1113*". Much has been said regarding one part, regarding the disqualification and office of profit. There are other disqualifications under section 16 (1) and those disqualifications are there particularly in (f) and in the rules whereby disqualified names of voters must be removed. Rule 5 (2). Now in reading the report of the Commissioners the Government is bound under rule 37 of the Legislative Council rules to publish the report of the Commissioners in the Gazette and to order accordingly.

Point of Order

Mr. T. P. Poulose *(Kanayannur):* On a point of order. I thought the object of this cut motion was to discuss some policy of the Minister. Now what he has stated is not with regard to the policy of the Minister but with regard to the other part of the Government. So, the discussion, if it is a cut on the Minister's salary, must be on some issue connected with the policy of the Minister or some action of the Minister. If it is the policy of the other part of the Government, it must come under some other head.

Mr. A. B. Salem *(Mattancheri):* It is only the Minister's salary that is votable. The Diwan's salary is not votable and under the Government of Cochin Act, we can cut the salary of any one within that Government whether it is the Minister or a transferred subject or a reserved subject and give out our points as against Government as a whole. If this point of order is held to be correct, there will be no possibility of discussing anything. You can say 'don't discuss the transferred subjects.' That will be absurd in my view. If the Chair will rule I will accept. In all matters of Government and political matters connected with this House, the Minister and the Government will act in unision and in combination to keep up the dignity of this House. The Minister sits in this House, the Government sits in this Court and if we are discussing the working of the Government of Cochin Act, are we to have a division in this? I do not think that it is in order. We have no reference to make regarding the Minister.

Deputy President: Have you to make any reference regarding the policy of the Minister?

Mr. A. B. Salem *(Mattancheri):* Yes. The policy of the Minister in keeping silent and not guiding the Government to grant our wishes.

Mr. T. P. Poulose *(Kanayannur):* Is it a tenable position that for every act of the Government, the Minister is held responsible?

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